

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.002 Provider Reimbursement Schedules and
Billing Codes

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.002 is to update fee schedules and billing codes in the existing rule. The amendment revises the Florida Medicaid provider fee schedules and billing codes.

SUBJECT AREA TO BE ADDRESSED: Provider Reimbursement Schedules and Billing Codes.

This notice replaces the notice of rule development published in Vol. 49, No. 155 of the Florida Administrative Register on March 21, 2023. Additionally, the workshop previously noticed to be held on April 4, 2023, is rescheduled for the date and time shown below.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 20, 2023 from 10:00 a.m. to 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: MedicaidRuleComments@ahca.myflorida.com.

Official comments to be entered into the rule record will be received until 5:00 p.m. on April 21, 2023 and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Provider Reimbursement Schedules and Billing Codes.

(1) This rule applies to providers rendering Florida Medicaid services to recipients.

(2) Florida Medicaid reimburses for services rendered in the fee-for-service delivery system based on a fee schedule, cost report, or contract. The following fee schedules and billing codes are incorporated by reference and available on the Agency for Health Care Administration's website at <https://ahca.myflorida.com/Medicaid/review/index.shtml>.

(3) Florida Medicaid Fee Schedules Effective ~~July~~ January 1, 2022:

(a) Assistive Care Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14538>.

(b) Behavior Analysis Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14539>.

(c) Behavioral Health Overlay Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14540>.

(d) Birth Center Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14541>.

~~(e) Child Health Targeted Case Management Services Fee Schedule~~

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14542>.

~~(e)(f)~~ Community-Based Substance Abuse County Match Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14543>.

~~(f)(g)~~ Community Behavioral Health Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14544>.

~~(g)(h)~~ County Health Department Certified Match Program Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14545>.

~~(h)(i)~~ Dental General Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14546>.

~~(i)(j)~~ Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14547>.

~~(j)(k)~~ Early Intervention Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14548>.

~~(k)(l)~~ Hearing Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14549>.

- (l)(~~m~~) Home Health Visit Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14550>.
- (m)(~~n~~) Independent Laboratory Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14551>.
- (n)(~~o~~) Licensed Midwife Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14552>.
- (o)(~~p~~) Medicaid Certified School Match Program Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14553>.
- (p)(~~q~~) Medical Foster Care Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14554>.
- (~~r~~) Mental Health Targeted Case Management Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14555>.
- (q)(~~s~~) Occupational Therapy Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14556>.
- (r)(~~t~~) Personal Care Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14557>.
- (s)(~~u~~) Physical Therapy Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14558>.
- (t)(~~v~~) Physician Pediatric Surgery Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14559>.
- (u)(~~w~~) Practitioner Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14560>.
- (v)(~~x~~) Practitioner Laboratory Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14561>.
- (w)(~~y~~) Prescribed Drugs Immunization Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14562>.
- (x)(~~z~~) Prescribed Pediatric Extended Care Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14563>.
- (y)(~~aa~~) Private Duty Nursing Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14564>.
- (z)(~~bb~~) Radiology Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14565>.
- (~~aa~~)(~~cc~~) Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14566>.
- (~~bb~~)(~~dd~~) Regional Perinatal Intensive Care Center (RPICC) Obstetrical Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14567>.
- (~~cc~~)(~~ee~~) Respiratory Therapy Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14568>.
- (~~dd~~)(~~ff~~) Specialized Therapeutic Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14569>.
- (~~ee~~)(~~gg~~) Speech-Language Pathology Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14570>.
- (~~ff~~)(~~hh~~) Targeted Case Management for Children at Risk of Abuse and Neglect Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14571>.
- (~~ff~~)(~~ii~~) Transportation Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14572>.
- (~~gg~~)(~~jj~~) Visual Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14573>.
- (4) Florida Medicaid Billing Codes Effective July January 1, 2022:
 - (a) County Health Department Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14574>.
 - (b) Federally Qualified Health Center Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14575>.
 - (c) Hospice Services Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14576>.
 - (d) Hospital Outpatient Services Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14577>.
 - (e) Intermediate Care Facility for Individuals with Intellectual Disabilities Services Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14578>.
 - (f) Nursing Facility Services Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-14579>.
 - (g) Rural Health Clinic Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14580>.

(h) Statewide Inpatient Psychiatric Program Services Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14581>.

(i) Prescribed Drugs Physician Administered Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14582>.

(5) This rule is in effect for five years from its effective date.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11, 7-16-13, 5-21-14, 6-20-16, 6-22-17, 2-8-18, 5-7-18, 1-7-19, 7-17-19, 12-15-20, 9-29-21, 8-2-22, _____.

Section II Proposed Rules

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:

20-3.007 Post-Estimate Price Report

PURPOSE AND EFFECT: Update posting requirements of Post-Estimate Price Reports

SUMMARY: Update posting requirements for unaudited reports.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the economic criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 601.10(1), 601.15(10)(a) F.S.

LAW IMPLEMENTED: 601.10(8), 601.15(4), 601.69, 119.0715 F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 17, 2023, at 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E Main St, Bartow, FL 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinette Jones, Legal Assistant, Florida Department of Citrus, P.O. Box 9010, Bartow, Florida 33831-9010 or BJones@citrus.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

20-3.007 Post-Estimate Price Report.

(1) through (3) No change.

(4)(a) The Department of Citrus shall compile and publish, subsequent to the initial USDA Crop Estimate (generally released in October of each year), audited Post-Estimate Price Reports six times during the citrus season: upon the early/mid season varieties harvest being ~~33%~~50% complete, ~~66%~~75% complete and 100% complete; and upon the late season varieties harvest being ~~33%~~50% complete, ~~66%~~75% complete and 100% complete. Unaudited reports shall be posted to the website beginning four weeks after the Department of Citrus has received data from a licensed facility or facilities and additional reports shall be submitted every four weeks thereafter. Audited reports may be posted in place of unaudited reports when the harvest thresholds are met before the initial unaudited report is to be published. The number of facilities reporting activity shall not be disclosed within the facility data that is ultimately reported by the Department of Citrus. Calculations used in this report are on a weighted average basis.

~~Calculations used in this report are on a weighted average basis.~~

(b) No change.

(5) No change.

PROPOSED EFFECTIVE DATE August 1, 2023.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69, 119.0715 FS. History—New 8-31-15, Amended 1-24-19, 2-2-20, 11-26-20, 6/23/22, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Adam Patton, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 16, 2023

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-302.110 Reporting Requirements

PURPOSE AND EFFECT: Rule amendment is necessary to implement section 948.03, Florida Statutes, to allow offender reporting requirements to be fulfilled through remote reporting if approved by the relevant probation officer or the Department and not excluded by the court in the Defendant's order of probation.

SUMMARY: The proposed rule amendment implements legislative changes to section 948.03, Florida Statutes, allowing offender reporting requirements to be fulfilled through remote reporting if approved by the relevant probation officer or the Department and not excluded by the court in the Defendant's order of probation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that the proposed rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, FS.

LAW IMPLEMENTED: 944.09, 945.31, 948.03, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399 (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Office of the General Counsel, Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.110 Reporting Requirements.

(1) No change.

(2) The reporting method will be determined by the officer in accordance with procedures, supervision type, supervision status and any court ordered conditions. There are two methods for reporting:

(a) To the assigned probation office. Offenders using this method of reporting must complete and submit Form DC3-2026, Supervision Report. Form DC3-2026 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03677>. The effective date for the form is XX/XX; or

(b) Through remote reporting by submitting the required information telephonically or electronically to the Department or to a designated and approved Department vendor.

(3)(2) When the offender reports, they must ~~he/she shall~~ provide complete, full and truthful, and current information relating to their residence and occupants at that location; all contact phone numbers; vehicle information; employment and/or educational details; activities for the previous month including, but not limited to, status and progress made on special conditions to include monetary payments and treatment attendance; any contact with law enforcement; activities for the previous month including, but not limited to, phone/email changes, residence/employment changes, progress made on special conditions, and actions taken to address goals; and any issues or problems requiring discussion. ~~as specified on Form DC3-2026, Supervision Report. Form DC3-2026 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03677>. The effective date of the form is 2-14.~~ Additionally, unemployed offenders may be instructed by the probation officer to report job search efforts, which must shall be documented and submitted by the offender ~~in writing~~ on regular paper or via Form DC3-2004, Job Search Log. Form DC3-2004 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S.

Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02344>. The effective date of the form is 5/4/2004. Offenders participating in support groups ~~must shall be required to~~ submit documentation of their attendance, as instructed by their probation officer, on Form DC3-2005, Support Group Meeting Log. Form DC3-2005 is hereby incorporated by reference. Copies of this form may be obtained from the Form Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02345>. The effective date of the form is 7/19/11. Certain sex offenders who are required to maintain driving logs ~~must shall be required to~~ record each travel occurrence when the offender is driving, either alone or ~~when~~ accompanied by a passenger (including the name[s] of the passenger if applicable), and submit this log to the probation officer on a monthly basis ~~using~~ ~~on~~ Form DC3-244, Sex Offender Probation Driving Log. Form DC3-244 is incorporated by reference in Rule 33-302.108, F.A.C.

~~(4)(3)~~ Notwithstanding ~~subsections~~ ~~subsection~~ (1) through (3), the offender ~~must shall~~ immediately report the following ~~to~~ ~~via verbal communication with~~ the officer or supervisor:

- (a) through (c) No change.
- (d) Any adverse contact with law enforcement; and,
- (e) Any urgent problems, questions or concerns with supervision requirements or conditions.

~~(5)(4)~~ Offenders who are required by supervision order to make payments ~~must shall~~ do so by using one of the methods described on N11-118, Instructions for Payment. Form N11-118, is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08629>. The effective date of this form is 8/17. The payment instruction information can also be accessed at www.dc.state.fl.us under the How Do I section entitled Pay Court Ordered Payments. If an offender chooses to make payment via the United States Postal Service, the offender ~~must will~~ complete Form DC2-364, Money Order Deposit Form for Restitution & Court-Ordered Payments. The offender ~~must shall~~ send the completed form pursuant to the instructions provided on Form DC2-364. Form DC2-364 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08629>, or the offender's Correctional Probation Officer. The effective date of this form is 8/17.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 945.31, 948.03 FS. History—New 8-1-01, Amended 11-4-04, 3-24-13, 7-1-13, 2-10-14, 9-14-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph Winkler, Assistant Secretary for Community Corrections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ricky D. Dixon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 1, 2022

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: 65C-28.008 RULE TITLE: Relative Caregiver Program Requirements

PURPOSE AND EFFECT: Amendments clarify the rule and implement legislative changes regarding payment amount for caregivers participating in the relative caregiver program.

SUMMARY: Amendments include: (1) updating the enhanced payment rate for the initial six months established in Chapter Law 2022-68; (2) removes language that is duplicative of statute and procedures that are not necessary in rule; (3) removes Unified Home Study language that is no longer applicable; and (4) clarified the half-sibling's eligibility by making the language clearer.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

A SERC has not been prepared.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 39.012, 39.0121, 39.5085(2)(a) F.S.

LAW IMPLEMENTED: 39.5085 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elizabeth Floyd. Elizabeth can be reached at Elizabeth.Floyd@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-28.008 Relative Caregiver Program Requirements.

(1) No change.

(2) Relative Caregiver Program Payments.

(a) ~~Prior to recommending to the court the placement of a child with a relative, a~~ A Unified Home Study completed by a case manager with the lead agency or subcontractor assigned to the geographical area where the child and caregiver reside ~~home study~~ shall be completed in accordance with Section ~~39.521(2)(o)~~ 39.521(2)(+), F.S. In regard to a child in a permanent guardianship or a permanent placement with a fit and willing relative, if a Unified Home Study ~~home study~~ has already been completed on the placement, another Unified Home Study ~~home study~~ is not required. ~~The following requirements apply regarding the need for a home study:~~

~~1. When permanent guardianship or a permanent placement with a fit and willing relative has been granted and supervision of the case has been terminated, a case manager in the geographic area where the child and relative caregiver reside shall be assigned by the contracted service provider to complete a home study, if required, and provide to the Economic Self Sufficiency Program (ESS) the information necessary to determine whether or not the caregiver is eligible for the RCP payment. The home study shall be completed within 30 days of the relative caregivers' request for a referral for the RCP payment and, if the caregiver is determined to be eligible for the RCP payment, the ESS eligibility office shall be notified in writing within five (5) days following this determination.~~

~~2. If the current placement was made prior to October 1998, and the relative caregiver has been granted long term custody of the child and a home study has already been performed in connection with the child's placement, a new home study is not required, regardless of the form or content of the home study.~~

~~3. However, in placements made prior to October 1998, if a home study has not been performed on the relative caregiver's home, a home study shall be performed by the child's case manager within 30 days following a request by the relative caregiver to the case manager to apply for the RCP payment or a referral of the relative caregiver by ESS or the contracted service provider.~~

~~4. If the current placement was made after October 1998, and a home study was completed in connection with the placement, a new home study is not required.~~

~~5. A copy of a home study completed in connection with the placement of the child in the relative caregiver's home is required to verify that a home study was completed. Otherwise, a current home study shall be required to establish eligibility for RCP.~~

(b) No change.

(c) The child shall live in an approved home of an adult relative who meets a specified degree of relationship to the parent or stepparent of the child by blood or marriage. If the parent or stepparent of the child is not related to the caregiver or is not within the required degree of relationship to the parent or stepparent of the child, the child must be a half-sibling of another child who is related to the caregiver and both children shall have been court ordered into the same placement.

1. Half-sibling eligibility for RCP payment shall meet the following requirements:

a. A child who is not related to the caregiver is eligible for RCP payment as long as their half-sibling is related to the caregiver and remains in the court-ordered custody of the caregiver. ~~The eligibility of a half-sibling who is not related to the caregiver remains in effect only as long as the half-sibling who is related to the caregiver remains in the court-ordered custody of the caregiver.~~

b. When the half-sibling who is related to the caregiver becomes 18 years of age or leaves the legal custody of the caregiver for any reason, the half-sibling who is unrelated to the caregiver loses eligibility for continued RCP payment.

b. ~~It is not necessary that the half-sibling who is related to the caregiver be receiving the RCP payment for the half-sibling who is unrelated to the caregiver to receive the RCP payment.~~

2. No change.

(d) The child shall not live in a home where either ~~neither~~ parent or ~~stepparent~~ resides. If the parent is in the home 30 consecutive days or longer, the child's eligibility for the RCP payment ends. ~~However, a relative may receive the RCP payment for a minor parent who is in his or her care, as well as for that minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements.~~

(e) The child shall reside in the state of Florida. Children who move out-of-state or are placed out-of-state with a relative caregiver, are not eligible for a RCP payment. A child placed with a relative in Florida by another state is not eligible for the RCP payment.

(f) Failure by the relative caregiver to cooperate with the Child Support Enforcement Program in regard to a child shall terminate that child's eligibility to receive the RCP payment

while in that placement. If the child is not eligible due to the relative caregiver's lack of cooperation:

~~1. If a child is not eligible for the payment due to the relative caregiver's lack of cooperation, The the child remains eligible for Medicaid and other services necessary to ensure his or her safety and well-being.~~

~~2. If a child is not eligible due to the relative caregiver's lack of cooperation, Eligibility eligibility for the RCP payment for other children in the same placement is not affected if the relative caregiver is cooperating with the Child Support Enforcement Program in regard to those children.~~

(g) Once all of the preceding eligibility requirements in this section are met, the eligibility requirements of the temporary cash assistance programs in Chapters 65A-1 and 65A-4, F.A.C., applicable to "child only cases" in the Temporary Cash Assistance Program (TCA) shall be met, with the following exceptions:

1. No change.

2. The monthly amount of the payment for the initial six (6) months, before any deductions for income of the child, shall be at a rate equal to the rate established in Section 409.145(3), F.S., pursuant to subparagraph 39.5085(2)(d)2., F.S.

3. Pursuant to subparagraphs 39.5085(2)(d)3. and 4., F.S., the subsequent monthly amount of payment, before any deductions for income of the child, shall be:

a. Age zero (0) through five (5) years – \$242.

b. Age six (6) through 12 years – \$249.

c. Age 13 to 18 years – \$298.

2. and 3. are redesignated 4. and 5. No change.

(h) When a relative caregiver is approved as a guardian pursuant to Section 39.6221 or 39.6231, or Chapter 744, F.S., after an adjudication of dependency, completion of a Unified Home Study home study and placement by the court with the relative, continuing eligibility for the RCP payment shall not be affected.

(i) A child receiving an RCP payment shall not simultaneously receive a TCA grant, except when timely action has not been taken by the Department or a contracted service provider to convert a payment from TCA to RCP. When converting from TCA to RCP, the ESS case will be processed as a change and the payment will be effective the next recurring month. No auxiliaries to restore lost RCP payments may be issued without approval of the circuit/region ESS Program Office.

1. Restoration of RCP benefits must be issued when:

a. An application for RCP payment has been denied in error, or

b. A TCA payment is not terminated timely (the next recurring month) following the establishment of all RCP eligibility requirements. This includes delays by the lead agency or subcontractor assigned contracted service provider or

~~regional Department Family Safety program staff~~ following a determination of potential placement eligibility in accordance with Section 39.5085, F.S., to timely communicate the potential placement eligibility within five (5) calendar days of making this determination.

2. No change.

~~(j) The Child Welfare Professional shall notify the ESS eligibility office of The following changes in an the active services case of a child in the RCP program household of a relative that may impact eligibility and/or the RCP payment:- This notification shall be made when:~~

1. through 4. No change.

5. The parent or stepparent resides in the relative caregiver's household for over 30 consecutive days.

6. The child moves from the state of Florida, or

7. The relative caregiver becomes licensed as a foster placement.

~~(k) Relative caregivers apply may self refer for TCA or RCP benefits through the ESS program. The ESS Eligibility Specialist shall be responsible for performing the following tasks related to providing information regarding the RCP and determining eligibility, including individuals who self refer:~~

~~1. At time of application or eligibility redetermination, inform all ESS public assistance applicants or recipients caring for children who are relatives about the RCP and allow them to indicate an interest in applying for RCP;~~

~~2. Explain the options associated with the RCP to the applicant;~~

~~3. Determine the child's initial and ongoing eligibility for the RCP payment and Medicaid;~~

~~4. Determine continuing eligibility for the child's monthly RCP benefits, including Medicaid, through complete reviews, and scheduled and unscheduled partial reviews;~~

~~5. Communicate with the case manager as necessary and provide updates on the status of the eligibility case; and;~~

~~6. When the request for RCP payments is originated at the ESS office, the ESS Eligibility Specialist shall provide written notification to the case manager or the Department, within 10 business days. This notification shall be prepared on the Child Welfare Communication form, CF FSP 5233, July 2021, incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref_13322, or communicated by electronic means of notification, and shall be documented in FSN by the CPI or the contracted service provider responsible for determining potential eligibility for RCP in accordance with Section 39.5085, F.S.~~

~~a. When a relative caregiver self refers for the RCP payment and he or she has court ordered temporary custody of the child, the CPI or case manager responsible for the case shall make the determination of potential placement eligibility for RCP.~~

~~b. When a relative caregiver self refers for the RCP payment and he or she has court ordered custody of the child under Section 39.6221 or 39.6231, F.S., with supervision terminated, Department region staff, or through prior arrangement, contracted service provider staff, shall make the determination of potential placement eligibility for RCP.~~

~~e. In either instance, the Department or contracted service provider who makes the determination of potential placement eligibility for RCP in accordance with Section 39.5085, F.S., shall notify ESS staff of this determination. This notification shall be prepared on the Child Welfare Communication form, CF FSP 5233, incorporated by reference in subparagraph (2)(k)6. of this rule, or communicated by electronic means of notification. This notification shall be documented in FSN by the Department or contracted service provider responsible for determining the potential eligibility for RCP.~~

(l) through (m) No change.

(3) Nonrelative Caregiver Financial Assistance (NCFA).

(a) Eligibility Requirements.

1. No change.

2. To be eligible for NCFA, the nonrelative caregiver must have the following:

a. A completed Unified Home Study which includes the ~~home study~~ requirements set forth in Section 39.521(2)(o) ~~39.521(2)(r)~~, F.S.,

b. through d. No change.

3. through 4. No change.

5. Eligibility for NCFA shall be reassessed annually by reviewing the eligibility criteria in subparagraphs (3)(a) ~~(3)(a)1. 2. and (3)(c)1. 2.~~ of this rule.

(b) Application.

1. Nonrelative caregivers seeking financial assistance must complete an "Application for Nonrelative Caregiver Financial Assistance," CF-FSP 5398, (insert date) July 2021, incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-13323.~~

~~2.a.~~ The nonrelative caregiver must sign the financial attestation portion of the application to indicate his or her financial need for assistance to care for the child on a long term basis.

(c) Notification.

1. The Nonrelative Caregiver Payment Administrator shall review the application, conduct the eligibility reassessment, and send a completed "Notice of Action," CF-FSP 5399, June 2018, incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-09989>, to the nonrelative caregiver through ~~via~~ email, if available, or by regular U.S. mail within five (5) business days of receipt of the application.

2. No change.

(d) Payment.

1. The monthly amount of the payment for the initial six (6) months, before any deductions for income of the child, shall be at a rate equal to the rate established in Section 409.145(3), F.S., pursuant to subparagraph 39.5085(2)(d)2., F.S.

2. Pursuant to subparagraph 39.5085(2)(d)3. and 4., F.S., the subsequent monthly amount of payment, before any deductions for income of the child, shall be:

~~1. The monthly amount of the payment shall be:~~

a. Age zero (0) through five (5) years – \$242.

b. Age six (6) through 12 years – \$249.

c. Age 13 to 18 years – \$298.

3. through 5. No change.

6. When a child's absence from the home requires a placement change in the child welfare information system FSN (e.g. placement for treatment services), but the child remains in the care and custody of the nonrelative caregiver, financial assistance payments will be suspended for up to 60 days. If the child remains absent from the home on the 61st day, financial assistance payments will be terminated.

7. No change.

8. Contingent upon continued availability of funding and continued eligibility, nonrelative caregiver financial assistance payments shall continue until:

a. through c. No change.

d. The child has an increase or decrease in unearned income, or

d. and e. are redesignated e. and f. No change.

9. When a payment ends due to lack of funding or a disqualifying event as listed in sub-subparagraphs (3)(d)8.a.-e. of this rule, the Nonrelative Caregiver Payment Administrator shall complete a Notice of Action, CF-FSP 5399, incorporated in subparagraph (3)(c)1. of this rule, indicating the reason for the termination of payments. The Nonrelative Caregiver Payment Administrator shall send the completed Notice of Action to the nonrelative caregiver via e-mail, ~~if available, or by regular~~ U.S. mail, or similar service within 30 days of receiving the notice of change.

Rulemaking Authority 39.012, 39.0121, 39.5085(2)(a) FS. Law Implemented 39.5085 FS. History—New 5-4-06, Amended 4-27-15, 8-22-16, 9-3-18, 11-11-18, Amended 9-22-21. Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jeanette Betanacourt and Jennifer MacDonald

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shevaun L. Harris

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2022

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:

69A-37.501 Definitions

69A-37.502 Firefighter Assistance Grant Program

PURPOSE AND EFFECT: The proposed changes will implement Chapter 2022-138, Laws of Florida, which expanded the types of equipment and tools that can be purchased with funds provided by the Firefighter Assistance Grant Program (FAGP). Section 633.135, F.S., authorizes the Division to provide FAGP funding to eligible fire departments to be used for the purchase of fire safety and fire rescue equipment and tools and for the purchase of protective clothing and equipment for wildland fire fighting and urban interface fire fighting.

SUMMARY: The proposed amendments will update the firefighter assistance grant application form; add definitions of the terms “thermal imager,” “gas monitor,” “powered rescue tool,” and “wildland fire fighting and urban interface fire fighting protective clothing and equipment;” incorporate applicable National Fire Protection Association (NFPA) standards by reference; and make other necessary changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 633.135(3) FS

LAW IMPLEMENTED: 633.135 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Frank (352)369-2830 or Charles.Frank@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-37.501 Definitions.

(1) The following terms will have these meanings for purposes of Rules 69A-37.501 and 69A-37.502, F.A.C.:

(a) through (h) No change.

(i) “Thermal imager” means a special electronic equipment that creates a picture based on the heat produced by a person or object and that complies with NFPA® 1801, Standard on Thermal Imagers for the Fire Service (2021 Edition), which is hereby incorporated by reference.

(j) “Gas monitor” means a direct-reading, portable instrument designed to detect hazardous gases and vapors, including, oxygen, combustible gas, and a variety of toxic components or volatile organic compounds.

(k) “Powered rescue tool” means a rescue tool that receives power from the power unit component and generates the output forces or energy used to perform one or more of the functions of spreading, lifting, holding, crushing, pulling, or cutting.

(l) “Wildland fire fighting and urban interface fire fighting protective clothing and equipment” means items of compliant protective clothing and equipment products that provide protection from some risk, but not all risk, of wildland and urban interface fire fighting. Such protective clothing and equipment shall be compliant with NFPA® 1977, Standard on Protective Clothing and Equipment for Wildland Fire Fighting and Urban Interface Fire Fighting (2022 Edition), which is hereby incorporated by reference. For the purposes of the Firefighter Assistance Grant Program, one set of wildland fire fighting and urban interface fire fighting protective clothing and equipment includes the following:

1. One face/neck shroud;
2. One pair of footwear;
3. One goggle;
4. One helmet;
5. One long-sleeve shirt;
6. One pair of trousers;
7. One pair of work gloves; and
8. One fire shelter.
9. One one-piece garment may be purchased in lieu of the long-sleeve shirt and trousers.

(m) (i) “Division” means the Division of State Fire Marshal.

(2) The Department has determined that posting the NFPA standards referenced in paragraphs (1)(f), (g), ~~and~~ (h), (i), and (l) on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These copyrighted materials may be:

(a) through (c) No change.

Rulemaking Authority 633.135(3) FS. Law Implemented 633.135 FS. History—New 3-7-17, Amended 12-21-21, _____.

69A-37.502 Firefighter Assistance Grant Program.

(1) The Firefighter Assistance Grant Program is established pursuant to Section 633.135, F.S. The Firefighter Assistance Grant Program is created within the Division of State Fire Marshal to improve the emergency response capability of volunteer fire departments and combination fire departments. The program will provide financial assistance to improve firefighter safety and enable such fire departments to provide fire fighting, emergency medical, and rescue services to their communities. This grant program will only be carried out when funds have been allocated by the legislature to the Division for the grant period. To participate in the Firefighter Assistance Grant Program, an eligible fire service provider must mail a completed Form DFS-K4-2174, Application for Firefighter Assistance Grant Program, to the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, Florida 34482. Form DFS-K4-2174 (Rev. 07/22) is hereby incorporated by reference in ~~subsection 69A-37.039(2), F.A.C.,~~ and is available at the following website: <http://www.myfloridacfo.com/Division/SFM/BFST/BFSTForms.htm>; and on the following link: https://www.flrules.org/gateway/reference.asp?No=Ref-____.

(2) Purpose and objective. The purpose of this program is to provide funding to fire departments to use to provide volunteer firefighter training and procure necessary firefighter personal protective equipment, self-contained breathing apparatus equipment, ~~and~~ pumper fire apparatus, firesafety and fire rescue related equipment and tools, and wildland fire fighting and urban interface fire fighting protective clothing and equipment. The objective of this program is to award grants directly to eligible fire departments in order to have an immediate impact on the safety of firefighters and to improve the emergency response capability of volunteer fire departments and combination fire departments.

(3) through (8) No change.

(9) Personal protective equipment (PPE).

(a) The Division will award grants to eligible grantees to be used to purchase a maximum of two sets of PPE per member that complies with the standards of NFPA® 1851 referenced in paragraph 69A-37.501(1)(f), F.A.C. Grantees shall issue this PPE to members of their fire department that hold an active Volunteer Firefighter Certificate of Completion or a Certificate of Compliance issued by the Division. The grantee shall be the sole owner of all PPE purchased with grant funds awarded through the Firefighter Assistance Grant Program. This PPE shall only be assigned to firefighters that are on the roster of the fire service provider and recorded in the Division's online electronic database. This PPE shall not be relocated, distributed, gifted, or loaned to any other fire service provider, or

individual, unless prior written notice is provided to the Division.

(b) through (e) No change.

(10) through (11) No change.

(12) Firesafety and fire rescue related equipment and tools.

(a) Environmental monitors.

1. Stand-alone thermal imagers that comply with the standards of NFPA®1801 referenced in Rule 69A-37.501(1)(i).

2. Gas monitors.

(b) Powered rescue tools.

(c) The Division will award grants authorized under this rule to eligible grantees under subparagraphs (9)(d)1. or 10(b)1. prior to funding the purchase of the equipment or tools referenced in paragraphs (12)(a) or (b).

(d) The Division will award grants for the purchase of the equipment and tools referenced in paragraphs (12)(a) or (b) in the following priority sequence:

1. Awarded first to eligible grantees who do not possess the referenced equipment or tools in paragraphs (12)(a) or (b); then

2. Awarded second to eligible grantees to replace the referenced equipment or tools in paragraphs (12)(a) or (b) that is a minimum of two NFPA cycles and ten (10) years of age.

(13) Wildland fire fighting and urban interface fire fighting protective clothing and equipment.

(a) The Division will award grants to eligible grantees to be used to purchase a maximum of one set of wildland fire fighting and urban interface fire fighting (WFUIF) protective clothing and equipment that complies with the standards of NFPA® 1977 referenced in Rule 69A-37.501(1)(l), F.A.C. Grantees shall issue this WFUIF protective clothing and equipment to members of their fire department who have successfully completed courses FL130-Wildland Firefighter Training, FL190-Introduction to Wildland Fire Behavior, and FL180-Human Factors in the Wildland Fire Service, or equivalent as approved by the Division. The grantee shall be the sole owner of all WFUIF protective clothing and equipment purchased with grant funds awarded through the Firefighter Assistance Grant Program. This WFUIF protective clothing and equipment shall only be assigned to members that are on the roster of the fire service provider and recorded in the Division's online electronic database. The WFUIF protective clothing and equipment shall not be relocated, distributed, gifted, or loaned to any other fire service provider or individual, unless prior written notice is provided to the Division.

(b) In the event that an individual originally assigned the WFUIF protective clothing and equipment separates from the grantee's volunteer or combination fire department, the WFUIF protective clothing and equipment remains the property of the grantee, unless prior written notice is provided to the Division, and shall be newly assigned to another member of the fire department that is on the roster of the fire service provider and

recorded in the Division’s online electronic database and has successfully completed courses FL130-Wildland Firefighter Training, FL190-Introduction to Wildland Fire Behavior, and FL180-Human Factors in the Wildland Fire Service, or equivalent as approved by the Division.

(c) Any application for a grant award to purchase WFUIF protective clothing and equipment shall include an inventory list of all WFUIF protective clothing and equipment currently in use by the applicant’s volunteer or combination fire department. This inventory list shall be listed in the narrative section of Form DFS-K4-2174, Application for Firefighter Assistance Grant Program.

(d) Grants authorizing the purchase of WFUIF protective clothing and equipment will be awarded by the Division to eligible grantees with individuals who have successfully completed courses FL130-Wildland Firefighter Training, FL190-Introduction to Wildland Fire Behavior, and FL180-Human Factors in the Wildland Fire Service, or equivalent as approved by the Division, in the following priority sequence:

1. Awarded first to such grantees to be assigned to individuals who do not possess WFUIF protective clothing and equipment; then
2. Awarded second to such grantees to be assigned to individuals to replace WFUIF protective clothing and equipment that is a minimum of two NFPA cycles and ten (10) years of age or older; then
3. Awarded last to such grantees to be assigned to individuals to replace WFUIF protective clothing and equipment that is a minimum of one NFPA cycle and five (5) years of age or older.

Rulemaking Authority 633.135(3) FS. Law Implemented 633.135 FS. History—New 3-7-17, Amended 12-21-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Charlie Frank, State Volunteer Fire Coordinator
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jimmy Patronis, Chief Financial Officer and State Fire Marshal
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2023
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 2, 2022

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NOS.:	RULE TITLES:
69H-2.003	Premium Assessments
69H-2.004	Certificate of Coverage
69H-2.007	Loss Prevention Programs
69H-2.008	Other Forms Adopted
69H-2.009	Florida Motor Vehicle No-Fault Forms
69H-2.010	Property Damage Coverage for State-Owned Vehicles

PURPOSE AND EFFECT: The proposed rulemaking will update and amend the risk management trust fund requirements for payments made under the firefighter cancer benefits program. The proposed rulemaking will also amend forms used for claims made under workers compensation, the Florida Motor Vehicle No-Fault statutes, premium assessments, certificates of coverage for all lines of self-insurance, and forms related to self-insurance, loss prevention programs, and property damage to state-owned vehicles. This rulemaking is required to implement statutory changes made in the last legislative session.

SUMMARY: This rulemaking will adopt statutory changes to sections 284.30 and 284.31, F.S., amend benefit payment requirements for the statutory firefighter cancer benefits program created in Chapter 112, F.S., and will update relevant forms used for workers compensation claims and Florida Motor Vehicle No-Fault claims filed against the trust fund. This rulemaking will also amend and clarify requirements for premium assessments, certificates of coverage for self-insurance, and forms for self-insurance, loss prevention programs, and property damage to state-owned vehicles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic review for this rulemaking. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 284.17, 284.30, 284.31, 284.311, 284.39, 627.730 FS

LAW IMPLEMENTED: 284.30, 284.31, 284.311, 284.36, 284.38, 284.40, 284.41, 284.50, 627.730 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Delaney, Assistant Director, Division of Risk Management, (850)413-4751, Robin.Delaney@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-2.003 Premium Assessments.

(1) No change.

(2) In the event budgeted funds are not adequate to pay all claims for the current budget year, the Division of Risk Management (Division) may submit an interim premium assessment to the agency during the fiscal year in which the deficit occurs and the additional charge will be payable on receipt of invoice.

(3) Prior to July 1 of each budget year the Division of Risk Management will send to each insured agency a request to complete the Exposure Base Inquiry the appropriate exposure base inquiry form to each insured agency to determine risk exposure. These forms are hereby adopted and incorporated by reference. Each agency Insured agencies shall complete the Exposure Base Inquiry, form DFS-D0-861 (Effective mm/yy), in the Division's Insurance Management System at <https://live.origamirisk.com/> and return it to the Division within 30 days of notification. The Exposure Base Inquiry, DFS-D0-861, is incorporated by reference herein, and a copy of the form is available at <https://myfloridacfo.com/Division/Risk/> or <http://www.flrules.org/gateway/reference.asp?no=ref>.

(a) DFS D0 861, "Exposure Base Inquiry," rev. 11/05.

(b) DFS D0 1392, "Statutory Exposure Base Inquiry Agency for Workforce Innovation Community Service Participants, sections 445.024(1)(d), and 445.024(1)(e), F.S., FY 2006-2007," rev. 11/05.

(c) DFS D0 1393, "Statutory Exposure Base Inquiry Department of Juvenile Justice, section 985.45, F.S., FY 2006-2007," rev. 11/05.

(d) DFS D0 1394, "Statutory Exposure Base Inquiry Department of Juvenile Justice, section 768.28(11), F.S., FY 2006-2007," rev. 11/05.

(e) DFS D0 1395, "Statutory Exposure Base Inquiry Department of Health, section 768.28(10)(e), F.S., FY 2006-2007," rev. 11/05.

(f) DFS D0 1396(A), "Statutory Exposure Base Inquiry Department of Health, section 766.1115, F.S., FY 2006-2007," rev. 6/00.

(g) DFS D0 1396(B), "Statutory Exposure Base Inquiry Department of Health, section 381.0302, F.S., FY 2006-2007," rev. 11/05.

(h) DFS D0 1397, "Statutory Exposure Base Inquiry Department of Corrections, sections 948.036(1), F.S., FY 2006-2007," rev. 11/05.

(i) DFS D0 1398, "Statutory Exposure Base Inquiry Department of Corrections, section 768.28(10)(a), F.S., FY 2006-2007," rev. 11/05.

(j) DFS D0 1399, "Statutory Exposure Base Inquiry Community Service Participants, section 569.11(4), F.S.," rev. 11/05.

(k) DFS D0 1400, "Statutory Exposure Base Inquiry 01381 Children and Families, section 409.175(14)(a), F.S.," rev. 11/05.

(l) DFS D0 1665, "Statutory Exposure Base Inquiry Department of Transportation, section 768.28(100)(d), F.S.," FY 2006-2007," rev. 11/05.

(m) DFS D0 1666, "Statutory Exposure Base Inquiry Agency for Persons With Disabilities, section 393.075(1), F.S.," FY 2006-2007," rev. 11/05.

(n) DFS D0 1667, "Statutory Exposure Base Inquiry Department of Transportation, section 768.28(10)(e), F.S.," FY 2006-2007," rev. 11/05.

(4) Prior to July 1 of each budget year the Division of Risk Management will send Form DFS-D0-1401, "Account Design" (Effective mm/yy) rev. 11/05, to each insured agency to determine the cost center structure for recording claims. Form DFS-D0-1401 is hereby adopted and incorporated by reference herein, and a copy of the form is available at <https://myfloridacfo.com/Division/Risk/> or <http://www.flrules.org/gateway/reference.asp?no=ref>. Each agency shall complete the form and return it to the Division within thirty (30) days.

Rulemaking Authority 284.39 FS. Law Implemented 284.36 FS. History—New 7-29-72, Formerly 4-30.03, 4-30.003, Amended 1-7-92, 6-28-01, Formerly 4H-2.003, Amended 12-28-06,_____.

69H-2.004 Certificate of Coverage.

(1) No change.

(2) Form DFS-D0-867, "State Employee Workers' Compensation and Employer's Liability Certificate of Coverage," (Effective mm/yy), rev. 8/09, which is hereby adopted and incorporated herein by reference, will be used to provide employee workers' compensation and employer's liability coverage to the agency named on the certificate. A copy of the form is available at <http://www.flrules.org/gateway/reference.asp?no=ref>.

(3) Form DFS-D0-863, "General Liability Certificate of Coverage," (Effective mm/yy), rev. 11/05, which is hereby adopted and incorporated herein by reference, will be used to provide general liability insurance coverage to the agency named on the certificate. A copy of the form is available at <http://www.flrules.org/gateway/reference.asp?no=ref>.

(4) Form DFS-D0-864, "Fleet Automobile Liability Certificate of Coverage," (Effective mm/yy), ~~rev. 11/05, which is hereby adopted and incorporated herein~~ by reference, will be used to provide fleet automobile liability coverage to the agency named on the certificate. A copy of the form is available at <http://www.flrules.org/gateway/reference.asp?no=ref>.

(5) Form DFS-D0-864A, "State Risk Management Trust Fund Addendum to Automobile Liability Certificate of Coverage for Off-Duty Law Enforcement Vehicle Property Damage," (Rev. ~~rev.~~ 11/05), ~~which is hereby adopted and incorporated herein~~ by reference, will be used to provide an addendum to automobile liability coverage to the agency named on the certificate.

(6) Form DFS-D0-865, "Federal Civil Rights Liability and Employment Discrimination Certificate of Coverage," (Effective mm/yy), ~~rev. 11/05, which is hereby adopted and incorporated herein~~ by reference, will be used to provide coverage for federal civil rights actions under 42 U.S.C.S. 1983 or similar federal statutes to the agency named on the certificate. A copy of the form is available at <http://www.flrules.org/gateway/reference.asp?no=ref>.

(7) Form DFS-D0-862, "Court Awarded Attorney Fees Certificate of Coverage," (Rev.~~rev.~~ 11/05), ~~which is hereby adopted and incorporated herein~~ by reference, will be used to provide coverage for court awarded attorney's fees in other proceedings against the agency named on the certificate.

(8) Form DFS-DO-xxx, Firefighter Cancer Benefits Certificate of Coverage, (Effective mm/yy), incorporated herein by reference, will be used to provide coverage for firefighter cancer benefits payable under section 112.1816(2), Florida Statutes. A copy of the form is available at <http://www.flrules.org/gateway/reference.asp?no=ref>.

(98) Copies of these forms are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0337, or at <https://myfloridacfo.com/Division/Risk/>-(850)413-4852. Rulemaking Authority 284.311, 284.39 FS. Law Implemented 284.30, 284.31 FS. History—New 7-29-72, Formerly 4-30.05, 4-30.005, Amended 1-7-92, 6-28-01, Formerly 4H-2.004, Amended 5-4-05, 7-23-06,_____.

69H-2.007 Loss Prevention Programs.

(1) The head of each insured agency shall appoint a Safety Coordinator who shall, at the direction of the agency head, develop and implement a comprehensive departmental safety program. The appointment shall be on Form DFS-D0-858, "Safety Coordinators Appointment Form," (Effective mm/yy) ~~rev. 11/05, which is hereby adopted and incorporated herein~~ by reference. In the event of a change in either the Safety Coordinator or the Alternate Safety Coordinator, the agency head shall submit an updated Form DFS-D0-858, Safety Coordinator Appointment Form, (Effective mm/yy), with the

name of both the new Safety Coordinator and Alternate Safety Coordinator within thirty (30) days of the change vacancy on Form DFS-D0-858. A copy of the form is available at <https://myfloridacfo.com/Division/Risk/> or <http://www.flrules.org/gateway/reference.asp?no=ref>.

(2) ~~The appointed Safety Coordinator shall annually submit to the Division of Risk Management Form DFS-D0-860, "Safety Program Evaluation," rev. 11/05, which is hereby adopted and incorporated by reference. Pursuant to section 284.50(3), F.S., if an agency is required to maintain a return-to-work program, the agency shall review and complete the return-to-work dashboard report provided by the Division on a monthly basis to identify information on employees being accommodated with modified or alternate duty. The Division will provide the report to the agency no later than the 5th business day of each month. The completed dashboard shall be returned to the Division no later than the last Friday of each month.~~

(3) ~~The appointed Safety Coordinator of each insured agency shall review each quarterly casualty report from the Division of Risk Management. The Safety Coordinator shall identify any discrepancies between the Division's records and the agency's records and shall report such discrepancies on Form DFS-D0-859, "Casualty Report Series: Liability Change Form," rev. 11/05, or DFS-D0-1402 "Casualty Report Series: Workers' Compensation Change Form," rev. 8/09, which are hereby adopted and incorporated by reference, within 30 days after receipt of the quarterly report.~~

(3) The appointed Safety Coordinator of each insured agency shall review and respond within 10 business days of receipt to each DFS-D0-xxx, Claim Investigation Report, (Effective mm/yy), incorporated herein by reference, provided by the Division identifying unsafe or inappropriate conditions, policies, procedures, trends, equipment, or actions or inactions that have led or may lead to accidents or claims involving the state of Florida. A copy of the form is available at <https://myfloridacfo.com/Division/Risk/> or <http://www.flrules.org/gateway/reference.asp?no=ref>. Rulemaking Authority 284.39 FS. Law Implemented 284.50 FS. History—New 1-7-92, Amended 6-28-01, Formerly 4H-2.007, Amended _____.

69H-2.008 Other Forms Adopted.

(1) The following forms are ~~hereby adopted and incorporated herein~~ by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

(a) DFS-D0-280, Release of All Claims, (Effective mm/yy), <http://www.flrules.org/gateway/reference.asp?no=ref> ;

(a) ~~DFS-D0-261, “Automobile Accident Report,” (Rev. 11/05);~~

(b) DFS-D0-866, “Mileage Reimbursement,” (Effective mm/yy), ~~rev. _____ 11/05~~ <http://www.flrules.org/gateway/reference.asp?no=ref> ;

(c) DFS-D0-1403, “General Liability Loss Report,” (Effective mm/yy), ~~rev. _____ 11/05~~ <http://www.flrules.org/gateway/reference.asp?no=ref> ;

(d) DFS-D0-1404, “Lien Disclosure Statement,” (~~Rev. rev. 11/05~~);

(e) DFS-D0-1406, “Insurer’s Disclosure Statement Pursuant to section 627.4137, F.S.,” (~~Rev. rev. 11/05~~);

(f) DFS-D0-1407, “Medical Authorization,” (~~Rev. rev. 02/10~~), <http://www.flrules.org/gateway/reference.asp?no=ref> ;

(g) ~~DFS-DO-1408, Release for Property Damage Only (Effective mm/yy)~~ <http://www.flrules.org/gateway/reference.asp?no=ref> ;

~~(g) DFS-D0-1410, “Substitute Form W9”, new 11/05;~~

(h) DFS-D0-1990, “Medicare Secondary Payer Reporting Questionnaire,” (Effective mm/yy) ~~new 5/09~~, <http://www.flrules.org/gateway/reference.asp?no=ref> ; ~~and,~~

(i) DFS-D0-1991, “Medicare Beneficiary/Eligibility Information,” (Effective mm/yy), <http://www.flrules.org/gateway/reference.asp?no=ref> ; ~~and, new 5/09.~~

(j) ~~DFS-DO-xxx, Firefighter Cancer Benefit Information Form (Effective mm/yy),~~ <http://www.flrules.org/gateway/reference.asp?no=ref> .

(2) Copies of each form adopted and incorporated by reference in this rule chapter are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Larson Building, Tallahassee, Florida 32399-0336, or at <https://myfloridacfo.com/Division/Risk/>. Rulemaking Authority 284.17, 284.39 FS. Law Implemented 284.30, 284.40, 284.41 FS. History—New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, 5-4-05, 10-5-09, 1-9-11, _____.

69H-2.009 Florida Motor Vehicle No-Fault Forms.

(1) The following forms are ~~adopted and~~ incorporated herein by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on Florida Motor Vehicle No-Fault claims filed against the Fund, as the circumstances may require:

(a) DFS-D0-281, “Claim for ‘No-Fault’ Benefits,” (Effective mm/yy),

<http://www.flrules.org/gateway/reference.asp?no=ref> . ~~rev. 11/05.~~

(b) DFS-D0-283, “Wage and Salary Verification,” (Effective mm/yy), <http://www.flrules.org/gateway/reference.asp?no=ref> . ~~rev. 11/05.~~

(2) Copies of each these forms adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Larson Building, Tallahassee, Florida 32399-0300, or at <https://myfloridacfo.com/Division/Risk/>. Rulemaking Authority 284.30, 284.31, 627.730 FS. Law Implemented 284.30, 284.31, 627.730 FS. History—New 6-28-01, Formerly 4H-2.009, Amended _____.

69H-2.010 Property Damage Coverage for State-Owned Vehicles.

(1) ~~Definitions:~~ The following definitions shall apply to the property damage coverage established in this rule:

(a) through (b) No change.

(c) “At fault” – A law enforcement officer shall be deemed “at fault” if the “contributing cause” code on a Florida Traffic Crash Report, Long Form, is anything other than code “01₂”; (no improper driving action).

(d) “Motor vehicle” – Any self-propelled vehicle with two ~~or four~~ or more wheels, which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semi trailer designed for use with such vehicle. The term includes a “private passenger motor vehicle₂” which is any motor vehicle which is a sedan, station wagon, or jeep-type vehicle and, if not used primarily for occupational, professional or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type. The term also includes a “commercial motor vehicle₂” which is any motor vehicle that is not a private passenger motor vehicle. The term does not include a mobile home or any motor vehicle which is used in mass transit, other than public school transportation, and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit authority, or a political subdivision of the State.

(e) No change.

(2) Coverage Provided.

(a) The State Risk Management Trust Fund (~~The Fund~~) will pay for property damage to a motor vehicle owned by a state agency when this property damage occurs while the motor vehicle is being used by a law enforcement officer, as defined in section 943.10, F.S., for off-duty work for which the officer must reimburse the state, subject to the exclusions and deductible amounts, as defined in paragraphs (2)(d) and (2)(e)

of this rule. The Fund will pay reasonable repair costs or the actual cash value of the vehicle whichever is less.

(b) If an independent appraisal of the property damage is required, the Fund will pay for this expense. If the accidental loss results in the motor vehicle being declared a total loss, the Fund will pay the state agency the actual cash value of the motor vehicle, (minus any applicable deductible amounts), and the Fund shall retain the salvage value of the motor vehicle.

(c) through (e) No change.

(f) Limit of Liability: The Fund’s limit of liability will be the lesser of the actual cash value of the damaged property or an amount necessary to repair or replace the property with other property of like kind and of quality. An adjustment for depreciation and physical condition will be made in determining actual cash value in the event of a total loss. If a repair or replacement results in better than like kind and quality, the Fund will not pay for the betterment.

(g) No change.

(3) Premium Assessments and Reimbursement.

(a) ~~The Division of Risk Management (The Division)~~ will determine the exposure base for the calculation of costs of providing physical damage coverage according to the number of law enforcement officers using state motor vehicles while performing off-duty employment.

(b) No change.

(c) Each state agency shall, no later than ~~July April~~ 1 each fiscal year, report to the Division the estimated number of law enforcement officers using state motor vehicles while performing their off-duty employment for the upcoming fiscal year. A state agency shall use Form DFS-D0-861, “Exposure Base Inquiry,” ~~(Effective mm/yy), rev. 6/00, hereby adopted and incorporated by reference, in the Division’s Insurance Management System at https://live.origamirisk.com/. Copies of this form are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0337.~~

(d) Premium calculation.

1. The Division will calculate the total premium based on agencies’ experience and exposure, (except for the first year). Assessment amounts will fluctuate each year depending on exposure and experience criteria.

2. through 4. No change.

(e) No change.

~~(f) Questions regarding Premiums and Invoicing will be addressed to the Finance and Accounting Director, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0337.~~

(4) Deductible Assessment.

(a) No change.

(b) The Division will adjust the deductible amount ~~and adjust the amount~~ at the beginning of each fiscal year, ~~upon~~

~~consultation with the state agencies that employ the law enforcement officers covered by this rule.~~ The amount of the deductible shall not exceed \$500 per incident. The Division will notify state agencies of the deductible amount no later than July 1 of each fiscal year.

(5) Claims Processing.

(a) Accidents shall be reported to the Division, using Form DFS-D0-261, “Automobile Accident Report,” ~~(Effective mm/yy), rev. 1/03, which is hereby adopted and incorporated herein by reference.~~ Copies of the form ~~adopted and incorporated by reference in this subsection~~ are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0338, or online at <https://myfloridacfo.com/Division/Risk/>, or <http://www.flrules.org/gateway/reference.asp?no=ref> .

(b) through (e) No change.

~~(f) Questions regarding Claims Processing will be addressed to the Insurance Specialist II, Automobile Appraisals, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0338.~~

Rulemaking Authority 284.311 FS. Law Implemented 284.30, 284.311, 284.36 FS. History—New 5-4-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Molly Merry, Director, Division of Risk Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jimmy Patronis, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 1, 2021

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.: RULE TITLES:

69K-25.001 Licensure by Endorsement; Embalmers.

69K-25.002 Licensure by Endorsement; Funeral Directors.

PURPOSE AND EFFECT: The proposed rulemaking will incorporate changes made in sections 17 and 19 of Chapter 2022-138, Laws of Florida to update requirements relating to the licensure by endorsement of funeral directors and embalmers. Specifically, the rules will amend each license to replace certain education requirements with 5 years of work history in the embalming or funeral directing field in another state. The rule makes other technical edits to the forms and make other necessary edits to the rules.

SUMMARY: The proposed rulemaking addresses requirements relating to the licensure by endorsement of funeral directors and embalmers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic review for this rulemaking. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 497.103, 497.369, 497.374, FS

LAW IMPLEMENTED: 497.369, 497.374, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Assistant Director, Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, (850)413-4985.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-25.001 Licensure by Endorsement; Embalmers.

(1) through (2) No change.

(3) Applicants for licensure by endorsement for embalmers shall complete and submit the Application For Embalmer License By Endorsement, form number DFS-N1-1707, effective MM/YY, which is hereby incorporated by reference, and available at http://www.flrules.org/Gateway/reference.asp?No=Ref-_____ and at: www.myfloridacfo.com/division/funeralcemetery/licensing#forms. Applicants for the embalmer license by endorsement must complete and submit the Certification of Employment History, form number DFS-N1-1775, effective MM/YY, which is hereby incorporated by reference, and available at http://www.flrules.org/Gateway/reference.asp?No=Ref-_____ and at: www.myfloridacfo.com/division/funeralcemetery/licensing#forms.

Rulemaking Authority 497.103, 497.369 FS. Law Implemented 497.369 FS. History–New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.01, 21J-25.001, Amended 8-8-00, Formerly 61G8-25.001, Amended _____.

69K-25.002 Licensure by Endorsement; Funeral Directors.

(1) through (3) No change.

(4) Applicants for licensure by endorsement for funeral director shall complete the Application For Funeral Director License By Endorsement, form number DFS-N1-1721, effective MM/YY, which is hereby incorporated by reference, and available at http://www.flrules.org/Gateway/reference.asp?No=Ref-_____ and at: www.myfloridacfo.com/division/funeralcemetery/licensing#forms. Applicants for the funeral director license by endorsement must complete and submit the Certification of Employment History, form number DFS-N1-1775, incorporated by reference in Rule 69K-25.001, F.A.C.

Rulemaking Authority 497.103, 497.374 FS. Law Implemented 497.374 FS. History–New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.02, Amended 7-30-86, Formerly 21J-25.002, Amended 8-8-00, Formerly 61G8-25.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Assistant Director, Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jimmy Patronis, Chief Financial Officer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 28, 2022

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NOS.:	RULE TITLES:
69L-6.012	Notice of Election to Be Exempt
69L-6.025	Conditional Release of Stop-Work Order and Periodic Payment Agreement
69L-6.027	Penalty Calculation Worksheet
69L-6.028	Procedures for Imputing Payroll and Penalty Calculations
69L-6.029	Employer Worksites
69L-6.030	Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation
69L-6.032	Contractor Requirements For Obtaining Evidence That Subcontractors Possess

69L-6.036 Workers' Compensation Insurance or Otherwise Comply with Chapter 440, F.S. Online Workers' Compensation Coverage and Compliance Tutorial for 15% Penalty Reduction

PURPOSE AND EFFECT: The proposed amendments will update the rules to conform with recent changes made to the Workers' Compensation Law by Chapter 2022-138, Laws of Florida.

SUMMARY: The proposed changes will address the number of days an employer has to comply with a written request from the Department to produce required business records, amend the calculation of any applicable penalty and penalty credits, and implement an online workers' compensation coverage and compliance tutorial that will reduce the final assessed penalty by 15 percent upon successful completion. The amendments will also update forms and make other necessary changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the potential impact of the proposed rule amendments determined that there will be no adverse economic impact or increased regulatory costs that would require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.322, 440.05, 440.107, 440.591, FS.

LAW IMPLEMENTED: 215.322, 440.02, 440.05, 440.10, 440.107, 440.38 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela Macon - telephone (850)413-1708, email Pamela.Macon@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.012 Notice of Election to Be Exempt.

(1)(a) Only corporate officers of non-dissolved or active corporations who meet the conditions for the issuance of a valid Form, DFS-F4-DWC-252, <https://www.flrules.org/Gateway/reference.asp?No=Ref>

~~02941~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref> Certificates of Election to be Exempt from Florida Workers' Compensation Law, revised ~~01/23, 08/13~~, and herein incorporated by reference, as stated in Chapter 440, F.S., and implemented by this rule may file a Form DFS-F4-DWC-250, <https://www.flrules.org/Gateway/reference.asp?No=Ref>

~~04715~~, Notice of Election to be Exempt, revised ~~01/23, 07/14~~, and incorporated by reference herein. Only a business entity organized under Chapter 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, to a corporate officer under this rule. While a limited liability company created and approved under Chapter 605 or 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, under this rule. Chapter 605, F.S., the "Florida Revised Limited Liability Company Act," which became effective on January 1, 2014, also provides for the repeal of Chapter 608, F.S., titled "Limited Liability Companies," on January 1, 2015. Therefore, newly formed Florida limited liability companies must be organized pursuant to the provisions of Chapter 605, F.S. Florida limited liability companies that were organized pursuant to the provisions of Chapter 608, F.S., must comply with the provisions of Chapter 605, F.S., prior to the repeal of Chapter 608, F.S.

~~(b) The Department shall deny any Form DFS F2 DWC-250, Notice of Election to be Exempt, received from an applicant that does not meet the eligibility requirements for the issuance of a DFS F2 DWC 252, Certificate of Election to be Exempt from Florida Workers' Compensation Law. An applicant who receives such denial from the Department and still seeks a DFS FS DWC 252, Certificate of Election to be Exempt from Florida Workers' Compensation Law must file a new Form DFS F2 DWC 250, Notice of Election to be Exempt, and, if the applicant is engaged in the construction industry, another \$50.00 fee must be submitted with the Form DFS F2 DWC 250, Notice of Election to be Exempt.~~

(2)(a) Any corporate officer engaged in the construction or non-construction industry, who elects to be exempt from the provisions of the workers' compensation law (chapter 440,

F.S.), must certify that the officer electing an exemption has completed an online workers' compensation coverage and compliance tutorial pursuant to section 440.05(3), F.S., and shall submit a Form DFS-F4-DWC-250, Notice of Election to be Exempt, in accordance with the requirements of Sections 440.02(15)(b) and 440.05, F.S. For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.

(b) Corporate officers must provide the first name, last name, date of birth, valid driver's license number, or Florida identification card number on The Form DFS-F4-DWC-250, Notice of Election to be Exempt. For purposes of this rule, a driver's license is considered valid provided it has not been expired for more than 30 days at the time of submission of the exemption application. If an application is returned for any reason, the original exemption application submission date will apply when determining if a license is valid. The form must also include all ~~list the~~ certified or registered license numbers held by the applicant issued pursuant to Chapter 489, F.S.; or the certified or registered license numbers held by the qualifier for the business listed on the Form DFS-F4-DWC-250, Notice of Election to be Exempt, of which the applicant is a corporate officer. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the license must match the name of the corporation or limited liability company listed on the Form DFS-F4-DWC-250, Notice of Election to be Exempt.

(3) For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C. An applicant engaged in the construction industry must submit a \$50.00 fee with each Form DFS-F4-DWC-250, Notice of Election to be Exempt. ~~If an applicant's payment is returned to the Department for non-sufficient funds, the Form DFS F2-DWC-250, Notice of Election to be Exempt, is invalid and shall be denied.~~ If a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Form DFS-F4-DWC-252, Certificate of Election to be Exempt, from Florida Workers' Compensation Law, shall be revoked. In order for the Department to process a new Form DFS-F4-DWC-250, Notice of Election to be Exempt, from an applicant who has had a payment returned for non-sufficient funds, the Department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

~~(4) The Department shall deny any Form DFS F2-DWC-250, Notice of Election to be Exempt, that would result in more than 3 corporate officers, as defined in Section 440.02(9), F.S., having an active Certificate of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities if the applicant is in the construction industry.~~

~~(4) (5) Incomplete Notices of Election to be Exempt, Issue Dates for Certificates of Election to be Exempt from Florida Workers' Compensation Law.~~

(a) If a Form DFS-F4-DWC-250, Notice of Election to be Exempt, is incomplete or inaccurate for the issuance of a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, the Department shall return the Form DFS-F4-DWC-250, Notice of Election to be Exempt and provide a deficiency notice. An applicant shall have ninety days from the date of the Department's deficiency notice to correct the deficiency and submit a completed Form DFS-F4-DWC-250, Notice of Election to be Exempt, at which time the Form DFS-F4-DWC-250, Notice of Election to be Exempt, shall be processed, and no additional processing fee will be due for a construction industry applicant. The Department shall deny the Form DFS-F4-DWC-250, Notice of Election to be Exempt, if the applicant fails to submit information to complete the Form DFS-F4-DWC-250, Notice of Election to be Exempt, within ninety days of the date of the Department's deficiency notice. An applicant who receives such denial from the Department and still seeks a DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law must file a new Form DFS-F4-DWC-250, Notice of Election to be Exempt, and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) No Change.

(c) If the Department receives a renewal Form DFS-F4-DWC-250, Notice of Election to be Exempt, ~~effective 07/14, as incorporated by reference,~~ that meets the eligibility requirements of Section 440.05, F.S., and this rule 90 days or less prior to the expiration date of the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, the issue date of the renewal Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, shall be the expiration date of the current Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law.

(d) No Change

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a new Form DFS-F4-DWC-250, Notice of Election to be Exempt, the issue date of the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from

Florida Workers' Compensation Law, is the date the Form DFS-F4-DWC-250, Notice of Election to be Exempt, revised 07/14, as incorporated by reference, is approved and saved to the Coverage and Compliance Automated System of the Department.

- (6) renumbered as (5) No Change.
- (7) renumbered as (6) No Change.
- (8) renumbered as (7) No Change.

(8) (9) Payments made to the Department under this rule shall be submitted through the DWC Notice of Election to be Exempt System at <http://www.myfloridacfo.com/Division/wc/exemption.htm>. The construction industry exemption requires payment of a \$50.00 processing fee; payment of an additional convenience \$1.00 service fee is applied against the costs associated with providing electronic transactions. Certificate holders are also required to print their Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, from the website listed above.

(9) (10) The issue date of a Form DFS-F4-DWC-251, <https://www.flrules.org/Gateway/reference.asp?No=Ref> ~~02939~~, Notice of Election of Coverage, revised 01/23 08/13 and incorporated by reference herein, is the date it is approved and saved to the Coverage and Compliance Automated System of the Department, or 30 days after the Form DFS-F4-DWC-251, Notice of Election of Coverage, is received by the Department, whichever is earlier.

(10) (11) The issue date of a Form DFS-F4-DWC-251-R, <https://www.flrules.org/Gateway/reference.asp?No=Ref> ~~02940~~, Revocation of Election of Coverage, revised 01/23 08/13, and incorporated by reference herein, is the date it is approved and saved to the Coverage and Compliance Automated System of the Department, or 30 days after the Form DFS-F4-DWC-251-R, Revocation of Election of Coverage, is received by the Department, whichever is earlier.

- (12) renumbered as (11) No Change.
- (13) renumbered as (12) No Change.

(13) (14) Form DFS-F4-DWC-250-R, Notice of Revocation of Election to be Exempt, Form DFS-F4-DWC-251, Notice of Election of Coverage, and Form DFS-F4-DWC-251-R, Revocation of Election of Coverage, can be obtained from the Department's website at <https://www.myfloridacfo.com/Division/WC/PublicationsFormsManualsReports/Forms/Default.htm> or by telephone request by calling (850)413-1609. Form DFS-F4-DWC-250, Notice of Election to be Exempt, is filed electronically through the DWC Notice of Election to be Exempt System at <https://www.myfloridacfo.com/Division/WC/PublicationsFormsManualsReports/Forms/Default.htm>.

Rulemaking Authority 215.322(3), 440.05(9), 440.591 FS. Law Implemented 215.322, 440.02(15), 440.05 FS. History—New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06, 12-31-07, 7-5-10, 8-7-13, 11-19-14, _____.

69L-6.025 Conditional Release of Stop-Work Order and Periodic Payment Agreement.

(1) The requirements for issuance of a Form DFS-F4-1602, <https://www.flrules.org/Gateway/reference.asp?No=Ref> ~~05742~~, Agreed Order of Conditional Release from Stop-Work Order, revised 01/23, 05/15 and incorporated by reference herein, as provided for in Section 440.107, F.S., are as follows:

- (a) No Change.

(b) The employer has paid a minimum penalty of \$1,000 as a down payment and agreed to remit periodic payments of the remaining penalty amount pursuant to either Form DFS-F4-1600-A, <https://www.flrules.org/Gateway/reference.asp?No=Ref> ~~05739~~, Payment Agreement Schedule for Periodic Payment of Penalty, revised 01/23 05/15 (applicable in cases where the employer was issued a Stop-Work Order), or Form DFS-F4-1600-B, <https://www.flrules.org/Gateway/reference.asp?No=Ref> ~~05740~~, Payment Agreement Schedule for Periodic Payment of Penalty for Order of Penalty Assessment, revised 01/23 effective 05/15 (applicable in cases where the employer was issued an Order of Penalty Assessment). Both of the above forms are incorporated by reference herein.

The aforementioned and any other forms incorporated by reference under this rule may be obtained from the Division of Workers' Compensation's Bureau of Compliance, 1579 Summit Lake Drive, Tallahassee, FL 32317, or from any field office identified in Rule 69L-6.009, F.A.C.

(2) The terms and conditions of a Payment Agreement Schedule for Periodic Payment of Penalty shall be:

- (a) No Change.
- (b) No Change.
 - 1. No Change.
 - 2. No Change.

3. The first monthly payment installment shall be due on the first day of the second month following the month of issuance of either Form DFS-F4-1600-A, Payment Agreement Schedule for Periodic Payment of Penalty, revised 05/15 (applicable in cases where the employer was issued a Stop-Work Order), or Form DFS-F4-1600-B, Payment Agreement Schedule for Periodic Payment of Penalty for Order of Penalty Assessment, effective 05/15 (applicable in cases where the employer was issued an Order of Penalty Assessment), and

each subsequent payment installment shall be due on the first day of each consecutive month.

(c) Monthly payment installments shall ~~only~~ be remitted to the Department’s address designated in the Payment Agreement Schedule for Periodic Payment of Penalty, or shall be remitted electronically via the Department’s online penalty payment service at <http://www.myfloridacfo.com/Division/wc/>.

(d) through (f) No Change.

(g) Failure by the employer to meet any term or condition of the Payment Agreement Schedule for Periodic Payment of Penalty shall constitute a default by the employer. ~~or Violation of any term or condition of the Payment Agreement Schedule for Periodic Payment of Penalty shall constitute a default by the employer.~~

(3) The Payment Agreement Schedule for Periodic Payment of Penalty becomes effective when it is executed on behalf of the employer and by the Department. ~~Upon execution of the Payment Agreement Schedule for Periodic Payment of Penalty, the Department will provide the employer with a Form DFS-F4-1601,~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-05741>, Monthly Payment Installment Invoice, revised 05/15, and incorporated by reference herein, which shall be submitted with each monthly payment installment when remitting payments to the Department’s address.~~

(4)(a) No Change.

(b) If an employer defaults on ~~under~~ any of its obligations under the Payment Agreement Schedule for Periodic Payment of Penalty, the Stop-Work Order to which the penalty applies shall be immediately reinstated and the entire unpaid balance of the remaining penalty shall immediately become due and payable. Subsequent to the issuance of an Order Reinstating Stop-Work Order by the Department, the Department will rescind the Order Reinstating Stop-Work Order requiring the employer to adhere to the terms and conditions of its Payment Agreement Schedule for Periodic Payment of Penalty only if the Department receives from the employer all past due monthly payments prior to the expiration of the twenty-one day period. All past due monthly payments must be made electronically via the Department’s online penalty payment service, or by cashier check(s) or money order(s) made payable to DFS-Workers’ Compensation Administration Trust Fund and be remitted to Department of Financial Services, Revenue Processing Section, Division of Workers’ Compensation, P.O. Box 7900, Tallahassee, FL 32314-7900. The Department will not enter into another Payment Agreement Schedule for Periodic Payment of Penalty with an employer in a case where the employer has had its Stop-Work Order immediately reinstated through an Order Reinstating Stop-Work Order, and in order to be released from a Stop-Work Order that has been immediately reinstated the employer must pay the remainder of

the entire penalty and show that it otherwise is in compliance with the coverage requirements of Chapter 440, F.S. The Department in any one case will not rescind an Order Reinstating Stop-Work Order more than three (3) times.

(c) No Change.

(5) through (11) No Change.

Rulemaking Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7) FS. History—New 4-6-05, Amended 7-20-05, 2-6-07, 7-20-09, 9-6-15, 6-19-18, _____.

69L-6.027 Penalty Calculation Worksheet.

(1) For purposes of calculating penalties to be assessed against employers pursuant to section 440.107, F.S., the Division shall use Form DFS-F4-1595, <https://www.flrules.org/Gateway/reference.asp?No=Ref>

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-08041>~~, Penalty Calculation Worksheet, revised 01/23, ~~10/16~~, which is hereby incorporated by reference.

(2) Copies of Form DFS-F4-1595, Penalty Calculation Worksheet, are available from the Department of Financial Services, Division of Workers’ Compensation, ~~Department of Financial Services, Larson Building~~, 1579 Summit Lake Drive, Tallahassee, FL 32317.

Rulemaking Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7) FS. History—New 12-29-04, Amended 10-18-07, 4-12-15, 3-21-17, _____.

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) In the event an employer fails to provide business records sufficient for the Department to determine the employer’s payroll for the time period requested in the business records request for the calculation of the penalty pursuant to Section 440.107(7)(e), F.S., the Department may impute the employer’s payroll at any time after twenty-one ~~ten~~ business days after receipt by the employer of a written request to produce such business records.

(2) No Change.

(3) No Change.

(4) If the Department imputes the employer’s payroll, the employer will have twenty business days after service of the first ~~amended order of~~ penalty assessment calculation to provide business records sufficient for the Department to determine the employer’s payroll for the period requested in the business records request for the calculation of the penalty or for the alternative time period(s) of non-compliance. The employer’s penalty will be recalculated pursuant to Section 440.107(7)(d), F.S., only if the employer provides all such business records within the twenty business days after the service of the first ~~amended order of~~ penalty assessment

~~calculation.~~ Otherwise, the first ~~amended order of~~ penalty assessment calculation will remain in effect.

(a) If the employer was issued a Stop-Work Order, then the employer will have twenty business days after service of the first Amended Order of Penalty Assessment to provide business records sufficient for the Department to determine the employer’s payroll, and the employer’s penalty will be recalculated pursuant to Section 440.107(7)(d), F.S.

(b) If the employer was issued an Order of Penalty Assessment, then the employer will have twenty business days after service of the Order of Penalty Assessment to provide business records sufficient for the Department to determine the employer’s payroll, and the employer’s penalty will be recalculated pursuant to Section 440.107(7)(d), F.S.

Rulemaking Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(e) FS. History—New 7-12-05, Amended 8-31-06, 8-30-09, 4-12-15, 1-8-17, _____.

69L-6.029 Employer Worksites.

(1) through (2) No Change.

(3) The worksites for which an employer is not in compliance shall be determined as follows:

(a) through (b) No Change.

(c) If the employer failed to produce the required business records within twenty-one ~~ten~~ business days after receipt of the written request of the department, all worksites of the employer in the state are not in compliance and the Stop-Work Order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(d) through (g) No Change.

(4) No Change.

Rulemaking Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(a), 440.107(7)(d) FS. History—New 1-11-06, Amended 2-17-15, _____.

69L-6.030 Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation.

(1) No Change.

(2) For purposes of this rule, an investigation commences on the date the Department’s compliance investigator conducts an ~~on-site~~ inspection of the employer’s worksite or business, ~~location~~, or on the date the employer receives a written request to produce business records from the Department pursuant to Section 440.107(7)(a), F.S., whichever is earlier.

Rulemaking Authority 440.107(9), 440.591 FS. Law Implemented 440.107(2), (7) FS. History—New 3-15-06, _____.

69L-6.032 Contractor Requirements For Obtaining Evidence That Subcontractors Possess Workers’

Compensation Insurance or Otherwise Comply with Chapter 440, F.S.

(1) No Change.

(2) If a workers’ compensation insurance policy has been issued to the subcontractor, the contractor, as described in subsection (1) of this rule, may obtain one of the following documents as evidence of workers’ compensation insurance for a subcontractor:

(a) No Change.

(b) A screen print from the Division of Workers’ Compensation, Proof of Coverage database confirming that workers’ compensation coverage is in effect for the subcontractor. The Proof of Coverage database can be accessed from the Division’s website at: <https://dwcdataportal.fldfs.com/ProofOfCoverage.aspx>;

~~www.fldfs.com/WC/~~; or

(c) No Change.

(3) No Change.

(4) If a corporate officer of the subcontractor has elected to be exempt from the workers’ compensation coverage requirements of Chapter 440, F.S., the contractor shall obtain from the subcontractor a copy of the corporate officer’s Certificate of Election to Be Exempt issued by the Department. In lieu of a copy of the Certificate of Election to Be Exempt, a contractor may obtain a screen print from the Division of Workers’ Compensation, Exemptions Search ~~Proof of Coverage~~ database confirming that a Certificate of Election to Be Exempt is in effect for the corporate officer of the subcontractor. The Exemptions Search ~~Proof of Coverage~~ database can be accessed from the Division’s website at: <https://dwcdataportal.fldfs.com/Exemption.aspx>.

~~www.fldfs.com/WC/~~. The Certificate of Election to Be Exempt shall include the following information and documentation in order to be considered evidence of a valid Certificate of Election to Be Exempt:

(a) through (c) No Change.

(d) The date the work is performed by the corporate officer named on the Certificate of Election to Be Exempt falls within the Effective and Expiration dates listed on the Certificate of Election to Be Exempt; ~~and,~~

(e) The corporate officer named on the Certificate of Election to Be Exempt must perform on behalf of the contractor ~~the type of work within the industry~~ that is listed on the Certificate of Election to Be Exempt; ~~and,~~

(f) A Certificate of Election to Be Exempt effective on or after January 1, 2023, must contain the following notice: “This certificate of election to be exempt is NOT a license issued by the Department of Business and Professional Regulation. To determine if the certificate holder is required to have a license to perform work or to verify the license of the certificate holder, go to www.myfloridialicense.com”.

(5) If a subcontractor employs a corporate officer that has been issued a Certificate of Election to Be Exempt and also employs non-exempt employees for whom the subcontractor is required to secure the payment of compensation, the contractor must obtain evidence of workers' compensation insurance pursuant to subsection (2) or (3) of this rule, for such employees and further must obtain evidence of each and every valid Certificate of Election to Be Exempt pursuant to subsection (4) of this rule.

(6) through (9) No Change.

Rulemaking Authority ~~440.05(10)~~, ~~440.107(5)~~, ~~440.107(9)~~, 440.591 FS. Law Implemented ~~440.05(10)~~, ~~440.10(4)~~, ~~440.107(3)~~, ~~440.107(7)~~, ~~440.38(4)~~ FS. History—New 8-5-07, Amended _____.

69L-6.036 Online Workers' Compensation Coverage and Compliance Tutorial for 15% Penalty Reduction.

(1) Pursuant to Section 440.107, F.S., the Division will reduce the final assessed penalty by 15% if:

(a) The employer has not been previously issued a Stop-Work Order or Order of Penalty Assessment; and

(b) The employer takes an online workers' compensation coverage and compliance tutorial and correctly answers at least 80% of the questions within 21 days after the employer's receipt of the Division's written request to produce business records.

(2) The eligible employer must take an online tutorial in one of the district offices listed below during standard business hours except on state holidays and other days when state offices are closed.

District 1A -
Panhandle District 3 -
Tampa
Tallahassee
Location 1313 North
Tampa Street
1579 Summit Lake
Drive Suite 503
Tallahassee, FL
32317 Tampa, FL
33602

Pensacola
Location District 4 -
Orlando
600 University Office
Bldv. 400 W. Robinson
Street
Building
15 North
Tower, Suite N512

Pensacola, FL
32504 Orlando, FL
32801

District 1 -
Jacksonville District 5 -
Miami
921 N. Davis
Street 401 N.W.
Second Avenue
Building B, Suite
250 Suite S-318
Jacksonville, FL
32209 Miami, FL
33128

District 2 - West Palm
Beach District 7 - Fort Myers
400 N. Congress
Avenue 2295 Victoria
Avenue
Suite
105 Suite
#284
West Palm Beach, FL
33401 Fort Myers, FL 33901

(3) An eligible employer may make multiple attempts to achieve a minimum passing score of 80% on an online tutorial within 21 days after the employer's receipt of the Division's written request to produce business records.

Rulemaking Authority 440.107, 440.591 FS. Law Implemented 440.107 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Pamela Macon, Chief, Bureau of Compliance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jimmy Patronis, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 28, 2022

Section III Notice of Changes, Corrections and Withdrawals

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-32.004	Design of Water Based Fire Protection Systems
61G15-32.005	Design of Gas Agent Fire Suppression Systems
61G15-32.006	Design of Foam and Foam Water Fire Suppression Systems
61G15-32.007	Design of Dry Chemical and Miscellaneous Fire Suppression or Control Systems
61G15-32.008	Design of Fire Alarms, Signaling Systems, and Control Systems

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 49 No. 25, February 7, 2023 issue of the Florida Administrative Register.

The rule notice inadvertently omitted the language in Florida Administrative Code Rule 1-1.011(5)(b) offering to schedule a public hearing on a rule if one is requested within 21 days of the notice.

The correct language is as follows:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

The person to be contacted regarding this rule is: Zana Raybon, Executive Director, Board of Professional Engineers, 2400 Mahan Drive, Tallahassee, FL 32308; (850)521-0500 or by electronic mail ZRaybon@fbpe.org.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements
NOTICE IS HEREBY GIVEN that on March 30, 2023, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from ABC Wine Bar LLC located in Jacksonville. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Division of Blind Services

The Blind Services Foundation and The Division of Blind Services announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 13, 2023, 10:00 a.m.

PLACE: Teleconference number: 888-585-9008, Code: 319035377 then press the # key

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discuss details for BSF Funding for Seniors.

A copy of the agenda may be obtained by contacting: The Division of Blind Services, Phone: (850)245-9305, Email: Brandis.Hall@dbs.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Division of Blind Services at (850)245-0300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Division of Blind Services, Phone: (850)245-9305, Email: Brandis.Hall@dbs.fldoe.org.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The Department of Highway Safety and Motor Vehicles announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2023, 2:30 p.m. – 4:00 p.m., ET

PLACE: THIS MEETING WILL BE HELD VIA MICROSOFT TEAMS. PLEASE SEE DIAL-IN INFO BELOW.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Motorist Modernization Advisory Board is meeting to discuss and provide guidance & recommendations on Phase 2 of the Motorist Modernization Program.

AGENDA

- Roll Call
- Welcome
- Review and Approval of Last Meeting Minutes
- Phase II IV&V Update
- MM Phase II Program Update
- Financial Review
- Project Updates
- Stakeholder Outreach Update
- Communications Update
- Q&A
- Adjourn

Microsoft Teams meeting

Join on your computer or mobile app:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmFIYmMwYjgtZjRkYS00ZWRiLTlkOTUtYTI3MGNIZDE1ODBm%40thread.v2/0?context=%7b%22tid%22%3a%2225c7bf74-6ed1-4f3c-af88-d6c3933606ca%22%2c%22oid%22%3a%22f12acde9-abbd-45e0-93b8-12e80c44c029%22%7d

Or call in (audio only):

+1 850-583-5466,,362353834# United States, Tallahassee
Phone Conference ID: 362 353 834#

A copy of the agenda may be obtained by contacting: The agenda is included above.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Terrence Samuel, 2900 Apalachee Parkway, Room D315, Tallahassee, FL 32399, (850)617-2100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 10, 2023, 12:00 p.m., Loxahatchee River Preservation Initiative Meeting

PLACE: Jupiter Emergency Operations Center, 3133 Washington Street, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss and consider Loxahatchee River Preservation Initiative (LRPI) business, including current and future projects and activities.

Since its inception in 2000, the LRPI has guided regional watershed restoration projects within northeastern Palm Beach County and southern Martin County. The LRPI is a multi-agency partnership between the South Florida Water Management District, Florida Department of Environmental Protection (Florida Park Service), Friends of the Loxahatchee River, Jupiter Inlet District, Loxahatchee River Environmental Control District, Martin County, Palm Beach County, South Indian River Water Control District, Town of Jupiter, and Village of Tequesta.

Members of the public are invited to attend and provide public comment.

One or more members of the Governing Board of the South Florida Water Management District may attend this meeting. No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: The agenda will be posted to the District’s website, www.SFWMD.gov/meetings, seven days prior to the meeting. Or, you can contact Jennifer Smith, 561-682-6908, JennySmith@sfwmd.gov, or visit www.LRPI.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: Rosie Byrd at rbyrd@sfwmd.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jennifer Smith, 561-682-6908, JennySmith@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, April 11, 2023, 9:30 a.m.

C-8 and C-9 Flood Protection Level of Service Adaptation and Mitigation Planning Projects Study Closing Workshop

PLACE: Miami-Dade County Fire Rescue Training Facility Building, Room 2-002, 9300 NW 41 Street, Doral, FL 33178.

Members of the public may participate in person or via Zoom, a media technology free for the public to use.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public workshop will present the findings of the C-8 and C-9 Flood Protection Level of Service (FPLOS) Adaptation and Mitigation Planning Projects Study, developed by the South Florida Water Management District (SFWMD) and its consultant team, led by Taylor Engineering, Inc. in collaboration with local partners with flood control responsibilities, including Miami-Dade and Broward counties, and local 298 Water Control and Drainage Districts. The recommended adaptation strategies span the primary, secondary, and tertiary flood control systems and the implementation of the strategies will be a collaborative effort between the District, counties, local drainage districts and other stakeholders responsible for managing and operating all three tiers of the system. FPLOS Adaptation and Mitigation Planning Projects recommendations are incorporated into the SFWMD Sea Level Rise and Flood Resiliency Plan.

The public and stakeholders will have an opportunity to view and comment during the public workshop by attending in person or utilizing the following link: <https://sfwmd.link/3ZkONMI>. The link will go live at approximately 9:30 AM on April 11, 2023.

One or more members of the Governing Board of the South Florida Water Management District may attend this workshop. No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: The agenda will be posted to the District’s website, www.SFWMD.gov/meetings, seven days prior to the meeting. Or, you can contact Nicole Cortez at (561) 682-2597 or ncortez@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: Rosie Byrd, District Clerk, at rbyrd@sfwmd.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Nicole Cortez at (561) 682-2597 or ncortez@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Athletic Commission

The Florida Athletic Commission announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2023, 2:00 p.m., Eastern Time

PLACE: Dial-in number: 1-888-585-9008. When prompted for conference room number, enter 830-360-815, then press #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct a general business meeting.

A copy of the agenda may be obtained by contacting: Patrick Cunningham, Executive Director, Florida Athletic Commission, 2601 Blair Stone Road, Tallahassee, FL 32399-1016 or 850-488-8500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patrick Cunningham, Executive Director, Florida Athletic Commission, 2601 Blair Stone Road, Tallahassee, FL 32399-1016 or 850-488-8500.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

The Child Abuse Death Review Circuit 9 Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2023, 1:00 p.m. – 1:30 p.m.

PLACE: Microsoft Teams Meeting Link: https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeetup-join%2F19%253ameeting_Y2IzMDNhNTgtZGU0Ni00ZDcwLWI2N2MtZDNIjMDY1MjBjZWU1%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522a1aa81d8-7897-410b-a2b2-1d190024b7f8%2522%252c%2522Oid%2522%253a%2522b5adf99c-4604-4147-8af0-1afacbd48cd9%2522%257d&data=05%7C01%7CRenee.Senn%40flhealth.gov%7C585db37dc3054cafd41708db304a08b1%7C28cd8f803c444b2781a0cd2b03a31b8d%7C0%7C0%7C638156866779557648%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=V%2FiJ1dkJpXywVcBWiz41JQHYj%2BD3zeT5ZCen%2FWPpx80Q%3D&reserved=0

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address administrative issues, review cases, and discuss the CADR Action Plan. A portion of the meeting is required by Section 383.412(3) (a), F.S. to be closed to the public to allow the Committee to discuss information that is confidential and exempt from public meetings and public records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: brianne.bell@orlandohealth.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: brianne.bell@orlandohealth.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: brianne.bell@orlandohealth.com

DEPARTMENT OF CHILDREN AND FAMILIES

The Florida Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: April 28, 2023, 1:00 p.m.

PLACE: Virtual Meeting via computer, tablet or smartphone: <https://meet.goto.com/SolicitationAdministration> or phone: (Toll Free) 1 866 899 4679, or 1 (571) 317-3116, Access Code: 687-621-357

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Bid Opening is to open vendor bids in response to DCF ITB 2223 101. The Department encourages all prospective Vendors to participate in the Bid Opening DCF ITB 2223 101 –Florida State Hospital Electrical Components. The solicitation advertisement can be accessed on the Vendor Information Portal (VIP): <https://vendor.myfloridamarketplace.com/>.

The Department will post notice of any changes or additional meetings within VIP. Agenda for the meeting is as follows:

- I. Introductions
- II. Public Comments
- III. Opening of Responses
- IV. Adjournment

A copy of the agenda may be obtained by contacting: Joshua.Burns@myflfamilies.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Joshua.Burns@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Joshua.Burns@myflfamilies.com

NORTHWEST FLORIDA AREA AGENCY ON AGING

The Northwest Florida Area Agency on Aging announces a public meeting to which all persons are invited.

DATE AND TIME: March 30, 2023, 2:00 p.m.

PLACE: Zoom

GENERAL SUBJECT MATTER TO BE CONSIDERED: Personnel Committee meeting to discuss grievance.

A copy of the agenda may be obtained by contacting: Anna Dyess.

For more information, you may contact: Anna Dyess.

FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Executive Compensation Committee has rescheduled its April 4, 2023 teleconference meeting to April 19, 2023 announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 19, 2023, 10:00 a.m. (ET)

PLACE: Contact Kathy Coyne at 941-378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The executive compensation consultant engagement.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Producer Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 11, 2023, 10:00 a.m. (ET)

PLACE: Contact Kathy Coyne at 941-378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency Producer Agreement; agency producer termination, suspension or revocation; agency producer fees; agency authorization process; and agency producer activities.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcua.com.

FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Safety Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 11, 2023, 11:00 a.m. (ET)

PLACE: Contact Kathy Coyne at 941-378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The safety program.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-3.007: Delegation of Authority

ITN 22/23-33 GTA eServices System

DEPARTMENT OF REVENUE

Office of Financial Management, Purchasing Department

The Department of Revenue announces a public meeting to which all persons are invited.

DATE AND TIME: May 25, 2023, 3:00 p.m.

PLACE: 2450 Shumard Oak Blvd, Building 2, Suite 1600, Tallahassee, Florida 32399-0109

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, FS, an Invitation to Negotiate Reply opening is hereby noticed as a public meeting within the timeline for the ITN Number 22/23-331 for General Tax

Administration eServices which is posted on the Vendor Information Portal (VIP). The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. Notice of any changes or additional meetings will be posted within the VIP in accordance with Section 287.042(3) (b) 1, FS, and will not be re-advertised in the Florida Administrative Register (FAR). The VIP can be accessed at: <https://vendor.myfloridamarketplace.com>.

Agenda: The names of firms submitting a proposal to the RFP will be read aloud and no other information will be provided at the opening.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Alison Thomas at 850.617.8132 or email: John.Kinneer@floridarevenue.com.

EARLY LEARNING COALITION OF NORTHWEST FLORIDA, INC.

REQUEST FOR PROPOSALS (RFP)-COALITION PUBLIC AWARENESS CAMPAIGN RFP ELCNWF #2023-02

REQUEST FOR PROPOSALS (“RFP”)- Coalition Public Awareness Campaign RFP 2023-02

The Early Learning Coalition of Northwest Florida, Inc. (“Coalition”), is announcing its interest in procuring the services of a qualified marketing agency for a public awareness campaign. The Request for Proposals (RFP) package will be available by March 31, 2023, on the Coalition’s website, www.elcnwf.org. Submissions are due by April 12, 2023, 1:00 p.m. CT. This RFP Sponsored by the Early Learning Coalition of Northwest Florida and the State of Florida, Division of Early Learning.

The Coalition receives 100% of public support funding for the State of Florida, Division of Early Learning (DEL). The funding received from DEL is derived from both federal and state sources. The percentage of public support funding to facilitate the resulting contract from the RFP will be 100% derived from federal sources.

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, March 24, 2023 and 3:00 p.m., Thursday, March 30, 2023.

Rule No.	File Date	Effective Date
40B-3.902	3/29/2023	4/18/2023
40B-3.037	3/29/2023	4/18/2023
40B-3.504	3/29/2023	4/18/2023
40B-3.517	3/29/2023	4/18/2023
53ER23-20	3/24/2023	4/13/2023
59A-8.0095	3/27/2023	4/16/2023
61C-3.001	3/24/2023	4/13/2023
61E1-2.001	3/29/2023	4/18/2023
61E1-3.001	3/29/2023	4/18/2023
68-1.003	3/24/2023	4/13/2023
68B-14.002	3/27/2023	4/16/2023
68B-14.005	3/27/2023	4/16/2023

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-6.001	5/10/2022	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****
69L-7.020	10/22/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****

12C-1.01915 Credit for Qualified Railroad Reconstruction or Replacement Expenditures

12C-1.051 Forms

NOTICE OF EXTENSION UNDER SECTION 120.74(5), FLORIDA STATUTES

In accordance with subsection 120.74(5), F.S., the Department extends the April 1 deadline to publish a Notice of Proposed Rule for Rule Chapter 12C-1, Corporate Income Tax., to implement section 32, Chapter 2022-97, Laws of Florida. A Notice of Rule Development for Rules 12C-1.01915 and 12C-1.051, F.A.C., was published in the Florida Administrative Register on March 30, 2023 (Vol. 49, No. 62, p. 1169). The Notice provides that, if requested, a rule development workshop to be held on April 13, 2023.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference

Notice of Extension under Subsection 120.74(5), Florida Statutes

The South Florida Water Management District (District) extends the April 1 deadline to publish Notice of Proposed Rule for Rule 40E-4.091, F.A.C., Publications, Rules and Interagency Agreements Incorporated by Reference.

Concise statement identifying issues causing the delay in rulemaking:

Subsection 373.4131(6)(a), F.S. (2020), mandated that the Florida Department of Environmental Protection (Department), in conjunction with the water management districts, begin rulemaking by January 1, 2021, to update the environmental resource permitting stormwater design and operation regulations using the most recent scientific information available. The Department’s rulemaking includes amendments to Chapter 62-330, Florida Administrative Code (F.A.C.), and the statewide Environmental Resource Permit Applicant’s Handbook Volume I (Applicant’s Handbook Vol. I). In conjunction with the Department’s rulemaking, the District proposes to update the “Environmental Resource Permit Applicant’s Handbook Volume II for Use Within the Geographic Limits of the South Florida Water Management District” (Applicant’s Handbook Vol. II), to conform to the Department’s amendments to Applicant’s Handbook Vol. I. The Department held thirteen Technical Advisory Committee (TAC) meetings to provide a forum for engaging the public on the technical aspects of this rulemaking effort. The Department also held six public workshops to discuss the proposed Applicant’s Handbook Vol. I., and the District held one public workshop to discuss the proposed updates to Applicant’s Handbook Vol. II. Additionally, a rulemaking workgroup

DEPARTMENT OF REVENUE
Corporate, Estate and Intangible Tax
RULE NOS.:RULE TITLES:

consisting of the Department and the five water management districts have been coordinating regularly to discuss the updates. The Department published a Notice of Proposed Rule on February 24, 2023, in the Florida Administrative Register Vol. 49, Number 38, and a Notice of Change on March 24, 2023, Vol. 49, Number 58.

The District published a Notice of Rule Development on December 18, 2020 (Vol. 46/No. 245).

Pursuant to subsection 120.74(5), Florida Statutes, this extension expires on October 1, 2023.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

NOTICE OF FIXED NEED POOLS FOR COMMUNITY NURSING HOME BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for community nursing home beds for January 2026 pursuant to the provisions of Section 408.034(5), Florida Statutes and Rules 59C-1.008 and 59C-1.036, F.A.C. Net bed need projections for community nursing home beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 2, Room C-1, MS 28, Tallahassee, Florida, 32308, on or before 5 pm, April 17, 2023.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Community Nursing Home Bed Need

	<u>Bed Need</u>
District 1	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
District 2	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 3	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	53
Subdistrict 5	0
Subdistrict 6	0
Subdistrict 7	116
District 4	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
District 5	
Subdistrict 1	0
Subdistrict 2	0
District 6	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 7	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 4	0
District 8	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
Subdistrict 6	0
District 9	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0

District 10	0
District 11	
Subdistrict 1	0
Subdistrict 2	0
Total Statewide	255

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need
NOTICE OF FIXED NEED POOLS FOR COMMUNITY
NURSING HOME BEDS

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Community Nursing Home Bed Need

	Bed Need
District 1	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0

District 2	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 3	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	53
Subdistrict 5	0
Subdistrict 6	0
Subdistrict 7	116
District 4	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
District 5	
Subdistrict 1	0
Subdistrict 2	0
District 6	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 7	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	86
Subdistrict 4	0
District 8	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
Subdistrict 6	0
District 9	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 10	0
District 11	
Subdistrict 1	0
Subdistrict 2	0
Total Statewide	255

DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Program
NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE (FCEN)
City of Bonifay, Florida

The Florida Department of Environmental Protection (DEP) has determined that the City of Bonifay's project to rehabilitate/upgrade pump stations and construct a new resiliency forcemain is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$13,013,269. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the FCEN can be obtained by writing to: Chelsea Chitty, CWSRF Program, DEP, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850) 245-2917 or emailing to Chelsea.Chitty@FlodidaDEP.gov.

DEPARTMENT OF FINANCIAL SERVICES
Division of State Fire Marshal
RULE NOS.:RULE TITLES:
69A-71.001 Definitions
69A-71.002 Guidelines
69A-71.003 Aggravating/Mitigating Factors
69A-71.004 Local Governing Body; Jurisdiction and Enforcement
Notice of Extension

This Notice of Extension is being published pursuant to subsection 120.74(5), F.S., to extend the April 1, 2023, deadline for publishing a Notice of Proposed Rule for Rules 69A-71.001, .002, .003, and .004, F.A.C. The Notice of Rule Development was published in the Vol. 48, No. 211, October 28, 2022, issue of the Florida Administrative Register. This Notice is being filed because the Department is finalizing the the rule language, and making additional changes to improve the flow and readability of the rules in Rule Chapter 69L-71.

Section XIII
Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
